

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56404 of 2022

Arising Out of PS. Case No.-62 Year-2022 Thana- AANDAR District- Siwan

Shamshuddin Ansari Son of Late Jamadar Ansari Resident of Village- Bandhu
Salona, P.S.- Andar, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Tiwary, Advocate
For the Opposite Party/s : Mr. Sucheta Yadav, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

2 22-10-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Aandar
P.S. Case No. 62 of 2022 registered for the offence under
Sections 30(a) of the Bihar Prohibition and Excise Act, 2018.

The accused/petitioner is named in the F.I.R. and is in
custody since 28.08.2022.

The allegation against the petitioner is to be engaged
in illegal trading/manufacturing of illicit liquor, where, there is
recovery of 414 litres of IMFL/country made liquor from an
open place.

Learned counsel appearing on behalf of the petitioner



submitted that recovery of alleged illicit liquor was made behind the house of petitioner, which is an open place and accessible by general public and, as such, it cannot be said that the recovery of illicit liquor was made from conscious physical possession of this petitioner. It is further submitted that petitioner involved in 4 criminal cases, where he is on bail in 3 cases.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as recovery of illicit liquor, as per seizure list, is made from an open place, let the petitioner, above named, is directed to be released on bail in connection with Aandar P.S. Case No. 62 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Exclusive Special Judge, Excise Court No. 1, Siwan/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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